

CONFIRMED MINUTES

OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS

ON MONDAY 24 MAY 2010 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Kevin Crameri OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch (arrived at 7:35 pm), Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 3 May 2010

146 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 3 May 2010 be confirmed, subject to an amendment to Item 8, to now read as follows:

“142 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM:

That:

1. The information contained in the report on Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP 73768 (No. 101) Ladbury Avenue, Penrith be received.
2. The objection to clause 10 of Penrith LEP1998 not be supported.
3. The Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP73768 (No. 101) Ladbury Avenue, Penrith of existing strata titled Dual Occupancy be refused for the following reasons:

Reasons of Refusal

- 1 Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposed development does not satisfy the objectives of the 2(a) Residential (Urban and Landscape Protection) and is inconsistent with Part 4 Clause 10 (1) (c) of Penrith Local Environmental Plan No.1998 (Urban Lands)
SEPP 1 objection not supported as it does not justify why compliance with the development standard is unreasonable;
- 2 Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 the proposal is not in the public interest as the proposal would set a precedent that could result in applications of a similar type in the surrounding area and in other residential zoned areas of the LEP;
- 3 The proposal does not satisfy the objectives of the zone.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill

Against

Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Crameri OAM.”

DECLARATIONS OF INTEREST

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 - United Independent Pools Service Providers – Tender* as he was a member of the evaluation panel for this tender.

Councillor Jim Aitken OAM declared a Pecuniary Interest in:

Item 17 – Development Application DA09/1038 Staged Subdivision at Part Lot 2 DP 1145043, Lots 11, 12 DP 719600 and Lot 2 DP 864084 (No. 73-155) Caddens Road, Kingswood. Applicant: Landcom; Owner: Land Commission of NSW;

Item 18 – Development Application DA10/0291 Proposed two storey dwelling at Lot 126 DP 1108846 (No. 4) Springdale Street, Claremont Meadows. Applicant: Clarendon Homes (NSW) Pty Ltd; Owner: Mr & Mrs McPherson; and

Item 19 - Development Application DA09/1037 Staged Subdivision at Part Lot 2 DP 1145043 (No. 73-105) Caddens Road, Kingswood Caddens Road Kingswood. Applicant: Landcom; Owner: Landcom,

as he is a landowner in this area.

SUSPENSION OF STANDING ORDERS

147 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:42 pm.

Mr Stacey Fishwick

Item 2 – Planning Proposal – Panthers Penrith Site

Mr Fishwick, a proponent, spoke in support of the planning proposal, outlining the advantages of such a development for the Penrith City area. Mr Fishwick went on to emphasise the proposal’s substantial investment for Penrith in job opportunities and a boost to the local economy. Mr Fishwick also stated that the proposal illustrated the substantial on-going role of the Panthers Club in the local community and added that extensive consultation with local business groups will continue to occur as part of the planning process.

Ms Lynne Docherty

Item – 26 – Facility Development at South Creek Park BMX Track, St Marys

Ms Lynne Docherty, the President of Penrith Panthers BMX Club, spoke in support of the recommendation and emphasised the popularity of this sport in the Penrith area, with riders representing Penrith in Australian Championship events. Ms Docherty stated that the sport helped to inject money into the Penrith area when events are held locally and hosted by the Club. Ms Docherty also expressed the gratitude of the Club for the use of the grounds at South Creek Park as it provides an important local sporting facility for the community.

Procedural Motion

148 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that Ms Docherty be granted an extension of time to complete her address, the time being 7:53 pm.

Ms Docherty went on to note that the poor lighting and lack of facilities at the venue has prevented adequate training as riders need to be able to train under floodlights, noting that the Club has been able to continue some progress in this area, through their fundraising efforts and seeking Council's support and assistance in planning for the future of the Club.

Councillor Jim Aitken OAM congratulated the Club for raising the amount of money towards the upgrade to their facility.

RESUMPTION OF STANDING ORDERS

149 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that Standing Orders be resumed, the time being 7:57 pm.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 10 May 2010

150 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 10 May, 2010 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 10 May 2010

151 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 May, 2010, with the exception of *Item 1 – Waterside Estate – Acoustic Buffer*, be adopted, with the deletion of the reference to the Councillor Division in *Item 3 – Paid Maternity Leave* from the Committee's recommendations to Council, but inclusion of the Councillor Division in the complete minutes of the Committee meeting.

Report and Recommendations of the Policy Review Committee Meeting held on 10 May 2010 – Item 1 – Waterside Estate – Acoustic Barrier

152 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 May, 2010, in relation to *Item 1 – Waterside Estate – Acoustic Barrier*, be adopted.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

Procedural Motion

153 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Prue Guillaume

That:

1. Consideration of Item 15 - Development Application DA09/0737 for a 56 Place Child Care Centre at Lots 12-13 & 43-45 DP 2721, (No. 341a) Littlefields Road, Mulgoa. Applicant: Cityscape Planning and Projects; Owner: Jamison Investments be deferred until after consideration of Committee of the Whole items.
2. Consideration of Item 26 - Facility Development at South Creek Park BMX Track, St Marys be brought forward to be considered as the first item.

DELIVERY PROGRAM REPORTS

Councillor Mark Davies left the meeting, the time being 8:12 pm.

Councillor Mark Davies returned to the meeting, the time being 8:13 pm.

A LIVEABLE CITY

26 Facility Development at South Creek Park BMX Track, St Marys

'154 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Facility Development at South Creek Park BMX Track, St Marys be received.
2. \$24,361 be allocated from the Recreation Reserve in 2010-2011 for the purpose of supporting a submission, by Penrith Panthers BMX Club, to NSW Communities Sport and Recreation Facilities Grant Program for the provision of 300 Lux floodlights at South Creek BMX track.
3. Council's Grants Officer research any other grant opportunities that may be available to provide floodlights at this location and provide a memorandum back.

Councillor Marko Malkoc left the meeting, the time being 8:19 pm.

Councillor Prue Guillaume left the meeting, the time being 8:21 pm.

A LEADING CITY

Councillors Marko Malkoc and Prue Guillaume returned to the meeting, the time being 8:23 pm.

1 2009-2010 Operational Plan - March Quarter Review

Councillor Ross Fowler OAM congratulated the staff for compiling the Report.

'155 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on 2009-2010 Operational Plan - March Quarter Review be received.
2. The 2009-10 Operational Plan Review as at 31 March 2010, including the revised estimates identified in the recommended budget, be adopted.

2 Planning Proposal - Panthers Penrith Site

156 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Planning Proposal - Panthers Penrith Site be received.
2. In accordance with the Environmental Planning and Assessment Act, 1979 and Regulations, 2000, Council sponsor the enclosed Planning Proposal and submit it to the Department of Planning seeking the issue of a Gateway Determination to begin the exhibition and LEP making process.
3. In accordance with the Environmental Planning and Assessment Act, 1979 and Regulations, 2000, Council commence the consultation program with State Agencies and the community in accordance with the gateway determination.
4. A further report be presented to Council following the public exhibition of the Planning Proposal advising of the outcomes of the community and State Agency consultation and make further recommendations relating to the adoption of the final Planning Proposal to make the LEP.
5. Should a specific brand outlet centre definition not be permitted by the Department of Planning at any stage during the gateway process the planning proposal is to be amended to include only the 12,500m² maximum retail permissibility on the site.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

3 Metropolitan Strategy Review: Sydney Towards 2036

157 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Mark Davies

That:

1. The information contained in the report on Metropolitan Strategy Review: Sydney Towards 2036 be received, with the following amendments to be made to the report:
 - Recommendations 4.1 to 4.5 being renumbered 4.1 to 4.6, and Recommendation 4.3 (corrected numbering) to be amended by adding, at the end of the recommendation, the sentence *“This should include the appointment of a relevant senior person as a single point of contact within Government to liaise with all relevant external parties and to co-ordinate and advance the development of Penrith Lakes”*.
 - Recommendation 7.2 to be amended to read *“The Metropolitan Plan acknowledge and include measures to respond to the short term difficulties in delivering higher density residential development in outer Western Sydney and the need to provide leadership in delivering an appropriate diversity of housing”*.
 - Recommendations 10.1 to 10.5 being renumbered 10.1 to 10.6, and Recommendation 10.5 (corrected numbering) to be amended to read *“Council propose a Penrith Health and Education Precinct around Nepean Hospital and the UWS Precinct as projects that could benefit from involvement of the proposed MDA in partnership with the Penrith Business Alliance, Council and other key agencies and stakeholders.”*
 - In relation to Matter 1 in the report ‘Planning for a growing population’, the submission to be forwarded to the State Government acknowledging that the environmental footprint of Sydney’s residents has increased from 6.67 to 7.21 hectares per person in the 5 years to 2004.
2. Council’s Sustainability and Planning Manager be given the delegated authority to finalise and forward Council’s submission on the Metropolitan Strategy Review: Sydney Towards 2036 in terms of the comments outlined in the report, and resolution (1) above, with Council to request that an addendum to this submission be permitted to be forwarded if needed.
3. A copy of Council’s submission be provided to all Councillors upon its completion under separate cover.
4. A copy of Council’s submission be forwarded to all candidates in the Penrith State By-election.

5 2010 Local Government Remuneration Tribunal Determination

'158 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on 2010 Local Government Remuneration Tribunal Determination be received.
2. The fees payable to the Mayor and Councillors for 2010-2011 be set at the maximum level permitted.

6 Expansion of Membership - Westpool and United Independent Pools

'159 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the information contained in the report on Expansion of Membership - Westpool and United Independent Pools be received.

7 Liability and Property Insurance Renewal 2010-11

'160 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Liability and Property Insurance Renewal 2010-11 be received.
2. Council retain its \$100,000 claims excess for Public Liability cover and agree to pay a contribution of \$923,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$365,000 to United Independent Pools.

8 United Independent Pools Service Providers - Tender

'161 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on United Independent Pools Service Providers - Tender be received.
2. Willis Group be appointed to United Independent Pools, Westpool and Metro Pool for five years as outlined in the tender specifications.
3. Claims Management Australasia be appointed as claims manager for United Independent Pools, Westpool and Metro Pool for five years as outlined in the tender specifications.

9 Workers Compensation

162 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Workers Compensation be received.
2. Council endorse the lodgement of the application with WorkCover to be accepted into the Burning Cost Model for 2010-11.

10 Annual GST Compliance Certificate

163 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Annual GST Compliance Certificate be received.
2. The Mayor, Deputy Mayor, General Manager and Group Manager - Finance / Responsible Accounting Officer sign the 2010 GST Compliance Certificate.

12 Electricity Tender

164 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Electricity Tender be received..
2. Council enter into contracts for the supply of electricity to major sites and Street Lighting as detailed in the report.

13 2009-10 Borrowing Program

165 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the information contained in the report on 2009-10 Borrowing Program be received.

14 Summary of Investments & Banking for the period 1 April to 30 April 2010

166 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April to 30 April 2010 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2010 to 30 April 2010 be noted and accepted.
3. The graphical investment analysis as at 30 April 2010 be noted.

4 Revised Code of Meeting Practice

Councillor John Thain left the meeting, the time being 8:51 pm.

Councillor John Thain returned to the meeting, the time being 8:52 pm.

167 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Greg Davies

That:

1. The information contained in the report on Revised Code of Meeting Practice be received.
2. The draft revised Code of Meeting Practice be adopted.

11 2010 Local Government Association Conference

168 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on 2010 Local Government Association Conference be received.
2. Council nominate Councillors Ross Fowler OAM, Marko Malkoc, Ben Goldfinch, Greg Davies, Kaylene Allison, Karen McKeown and Robert Ardill as its voting delegates to attend the 2010 LGA Conference to be held in Albury from 24 – 27 October 2010.
3. Council nominate Councillors Kath Presdee and John Thain as its observers to attend the 2010 LGA Conference.
4. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2010 LGA Conference.

A GREEN CITY

16 Development Application DA09/1231 Proposed two Storey Dwelling

**and Swimming Pool at Lot 803 DP 1068323 (No. 10-15) Belleview Ave
Mt Vernon. Applicant: Joe Molluso; Owner: Joe Molluso**

DA09/1231

169 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor John Thain

That:

1. The information contained in the report on Development Application DA09/1231 Proposed two Storey Dwelling and Swimming Pool at Lot 803 DP 1068323 (No. 10-15) Bellevue Ave Mt Vernon be received.
2. The terms of clause (b) of Restrictive Covenant fourthly referred to in the 88B Instrument attached to Lot 803, DP 1068323, be varied as follows as it applies to Lot 803 only:
 - (b) All development erected on the subject lot will be in accordance with the proposed building envelope indicated on the Site Plan/Site Analysis, Drawing No DA-09 for Project Number 0902.
3. The Common Seal of Penrith City Council be affixed to the necessary documentation.
4. Development Application No DA09/1231 for the construction of a two Storey dwelling and Swimming Pool be approved subject to the proposed conditions of Development Consent as follows:

Standard Conditions

- 4.1 A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate
- A046 – Issue of Construction Certificate
- D001 – Sedimentation and Erosion Controls
- D009 – Covering Waste Storage area
- E001 – BCA compliance
- E005 – Smoke Alarms
- F010 – Septic distance from house
- H001 – Stamped plans and erection of site notice
- H011 – Engineering plans and specifications
- H013 – Further details of building components
- H014 – Slab design
- H015 – Termite protection
- H034 – Bushfire roof sarking
- H036 – Rainwater tank

- H037 – Safe supply from catchment
- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- I003 – Roads Act approval
- J001 – Excavated material removal
- J002 – Fencing when water in pool
- J004 – Pool fence - residential
- J010 – Pool board/sign
- K017 – Stormwater and sewerage plan
- L001 – General landscaping
- L008 – Tree preservation order
- Q001 – Notice of commencement and appointment of PCA

Special Conditions

- 4.2 The development must be implemented substantially in accordance with the plans drawn by Fortey and Grant Architecture for Project Number 0902, dated 14.11.09 and 19.2.10, the application form, the BASIX Certificate, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions
- 4.3 All boundary fences are to be low profile, open style and rural in character.
- 4.4 Prior to the issue of a Construction Certificate for the development, the variation of the Restriction on the Use of land numbered 4(b) in DP 1068323, shall be registered with the Land and Property Information division of the Department of Lands

The variation to the covenant shall be in the terms approved by resolution of Penrith City Council as follows;

All development erected on the subject lot will be in accordance with the proposed building envelope indicated on the Site Plan/Site Analysis, Drawing No DA-09 for Project Number 0902.

- 4.6 Cut and fill operations on the property are only permitted in conjunction with the building works and shall be strictly limited in depth and extent to that detailed on the approved plans and specifications

Before any fill material is imported to site, a validation certificate

issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 4.7 All house sewer and plumbing work shall be carried out in accordance with Sydney Water's requirements or the Local Government (Water, Sewerage and Drainage) Regulation 1993
- a) Penrith City Council is both the consent authority and certifying authority for the installation of the On Site Sewage Management System (OSSM), otherwise known as a septic tank system. It is your responsibility to contact Council's Building Approvals and Environment Protection Department to organise all inspections required for the installation of the system. In this regard, the following will require inspection:
- All internal and external drainage lines and septic tanks before they are backfilled/covered
 - On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority

- i. The septic tank, drainage lines and effluent disposal area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered
 - ii. There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves
 - iii. There shall be available all year round, adequate water supply that is available to the property
- 4.8 The effluent disposal area shall have a minimum area of 1500m² and shall be prepared in accordance with the “Environmental and Health

Protection Guidelines On Site Sewage Management for Single Households” and AS1547:2000

Prior to the issue of the Occupation Certificate and the issue of an operational licence for the OSSM system by Penrith City Council, the effluent disposal area shall be:

- Prepared/ landscaped in accordance with the stamped - approved plans

All stormwater and seepage shall be diverted away from the disposal area by using an agricultural drain or earthen bund and dish drain

- 4.9 Prior to the commencement of construction works:
- a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - A standard flushing toilet connected to a public sewer, or
 - If that is not practicable, an accredited sewage management facility approved by the council, or
 - Alternatively, any other sewage management facility approved by council
- 4.10 Prior to the issue of a construction certificate a positive covenant shall be registered over the land to which the development relates. The positive covenant shall be in terms approved Penrith City Council and specify that in the event that the airport at Badgery’s Creek becomes operational, the works identified in the report by Koikas Acoustics Pty Ltd report No. 1825 dated 14th September 2009 will be required to be installed in the development.
- Alternatively, the recommended construction details to reduce aircraft noise intrusion to meet indoor design sound levels, as detailed in the report prepared by Koikas Acoustics Pty Ltd report No 1825 and dated 14 September 2009 are to be undertaken during construction. As the recommended construction details are carried out and on completion of the development, a qualified acoustic consultant shall certify that the development has been constructed to meet the indoor design sound levels in accordance with the approved acoustic report.
- 4.11 Roof and surface water shall be disposed of in accordance with the approved drainage design. Overflow from the existing in-ground rainwater tank is to be disposed of via a level spreader system.
- 4.12 The existing trees to the perimeter of the property shall be retained and duly protected during the construction of the development. Tree protection measures shall be installed before any works can commence on site including the clearing of site vegetation

- 4.13 A landscape plan is to be submitted for the development indicating the provision of additional landscaping to the entrance, driveway and tennis court areas. The plan is to be prepared by a suitably qualified person and is to be submitted for approval prior to the issue of a construction certificate for the development.
- 4.14 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the dwelling. The commitments listed in the BASIX Certificate are to be completed prior to the issue of the Occupation Certificate

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding. This includes submitting the following documentation to the Principal Certifying Authority:

- a) Written documentation or Compliance Certificate from Penrith City Council certifying to the satisfactory completion of works approved under the Roads Act 1993
 - b) Written documentation or certification attesting to the satisfactory installation of, and the Licence to Operate the on site sewage management system issued by Penrith City Council
 - c) Certification from a qualified acoustic consultant certifying that the development has been constructed in accordance with the approved acoustic report/to meet the indoor design sound levels in accordance with the approved acoustic report
- 4.15 A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority. In the event that a Compliance Certificate was issued by the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met as well as any documentation stated above, shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM

Against

Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Having previously declared a Pecuniary Interest in Items 17, 18 and 19, Councillor Jim Aitken OAM left the meeting, the time being 8:57 pm.

**17 Development Application DA09/1038 Staged Subdivision at Part Lot 2
DP 1145043, Lots 11, 12 DP 719600 and Lot 2 DP 864084 (No. 73-155)
Caddens Road, Kingswood. Applicant: Landcom; Owner: Land
Commission of NSW**

DA09/1038

170 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application DA09/1038 Staged Subdivision at Part Lot 2 DP 1145043, Lots 11, 12 DP 719600 and Lot 2 DP 864084 (No. 73-155) Caddens Road, Kingswood be received.
2. Development Application DA09/1038 Staged Subdivision at Part Lot 2 DP 1145043, Lots 11, 12 DP 719600 and Lot 2 DP 864084 (No. 73-155) Caddens Road, Kingswood, be determined under delegation upon receipt of the certification from the Director-General stating satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.
3. Those making submissions are notified of the determination.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Crameri OAM

Against

18 Development Application DA10/0291 Proposed two storey dwelling at Lot 126 DP 1108846 (No. 4) Springdale Street, Claremont Meadows. Applicant: Clarendon Homes (NSW) Pty Ltd; Owner: Mr & Mrs McPherson

DA10/0291

171 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application DA10/0291 Proposed two storey dwelling at Lot 126 DP 1108846 (No. 4) Springdale Street, Claremont Meadows be received.
2. The SEPP 1 objection relating to the minimum rear setback be supported.
3. Development Application 10/0291 seeking consent for the construction of a two Storey Dwelling at 4 Springdale Street, Claremont Meadows be approved subject to the attached conditions:

Standard Conditions

- 3.1 A001 - Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A046 – Obtain Construction Certificate
- D001 – Sediment and Erosion Control Measures
- D007 – Filling of Land
- D009 – Covering Waste Storage area
- D010 – Waste disposal
- E001 – BCA compliance
- E005 – Smoke Alarms
- F006 – Water Tank
- G005 – Rainwater Tank - Plumbing
- H01F – Stamped plans and erection of site notice
- H002 - All forms of construction
- H011 – Engineering plans and specifications
- H013 – Further details of building components
- H014 – Slabs/Footings
- H015 – Termite protection
- H022 – Survey
- H024 – Glass Installation
- H030 – Roof colours
- H034 – Bushfire-Proof Sarking
- H036 – Rainwater Tank
- H037 – Safe Supply of Water
- H038 – Connection of Rainwater

H039 – Rainwater Tank Pumps

H041 – Hours of work

I003 – Road Act Approval

K016 – Stormwater

L008 - Tree Preservation Order

P001 – Costs

P002 - Fees

Q001 – Notice of commencement and appointment of PCA

Q005 - Occupation Certificate

Special Conditions

3.2 HSpecial – Alfresco Area Privacy Screen

LSpecial - Street Tree Removal and Replacement

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

**19 Development Application DA09/1037 Staged Subdivision at Part Lot 2
DP 1145043 (No. 73-105) Caddens Road, Kingswood Caddens Road
Kingswood. Applicant: Landcom; Owner: Landcom**

DA09/1037

172 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application DA09/1037 Staged Subdivision at Part Lot 2 DP 1145043 (No. 73-105) Caddens Road, Kingswood Caddens Road Kingswood be received.
2. Development Application DA09/1037 Staged Subdivision at Part Lot 2 DP 1145043 (No. 73-105) Caddens Road, Kingswood Caddens Road Kingswood, be determined under delegation upon receipt of the certification from the Director-General stating satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.
3. Those making submissions are notified of the determination.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

Councillor Jim Aitken OAM returned to the meeting, the time being 9:00 pm.

20 Development Application DA09/0317 Torrens title Subdivision of one into four lots at Lot 2 DP 551446 (No. 31) Tadmore Road, Cranebrook. Applicant: Freeburn Surveying; Owner: Steven Edward and Rita Jean Thompson **DA09/0317**

173 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kath Presdee

That:

1. The information contained in the report on Development Application DA09/0317 Torrens title subdivision of 1 lot into 4 lots at Lot 2 DP 551446 (No.31) Tadmore Road, Cranebrook be received.
2. The State Environmental Planning Policy No.1 objection to the minimum lot size development standard under Clause 12 of LEP201 be supported.
3. The application be referred to the Department of Planning for concurrence in accordance with Clause 7 of SEPP No1.
4. Upon receipt of concurrence from the Department of Planning, Development Application DA 09/0317 at Lot 2 DP 551446 (No. 31) Tadmore Road, Cranebrook for Torrens title subdivision of 1 lot into 4 lots be determined under delegated authority.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Crameri OAM

Against

A LIVEABLE CITY

21 Development Contributions Plans Review

174 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Development Contributions Plans Review be received.
2. The amended Penrith City District Open Space Facilities Contributions Plan provided under separate cover to this report be adopted by Council.
3. The adopted amended Penrith City District Open Space Contributions Plan, the independently prepared Business Plan for Open Space and District Cultural Facilities Review and the amended Contributions Plans for Werrington Enterprise Living and Learning (WELL) Precinct, Glenmore Park Stage 2 (provided under separate cover) and Claremont Meadows Stage 2, adopted by Council on 17 August 2009 be forwarded to the Minister and he be requested to make the Plans without their re-exhibition.
4. Given the recent plan reviews undertaken by Council, the Minister be requested to exempt the Contribution Plans listed in Recommendation 3 above from the review of all Contributions Plans required to be undertaken.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Crameri OAM

Against

23 Request to Rename Victoria Street Community Cottage

175 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Request to Rename Victoria Street Community Cottage be received.
2. The Victoria Street Community Cottage be renamed Werrington Community Cottage.

25 Penrith Valley Sports Hub - Redevelopment of Penrith Park and Howell Oval

176 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Penrith Valley Sports Hub - Redevelopment of Penrith Park and Howell Oval be received.
2. The overall direction and scope of work for the remaining projects in the Penrith Stadium Master Plan be reviewed and prioritised and be subject of a further report to Council when finalised.

22 Dunheved Business Park - Update on Revitalisation Investigations and Initiatives and North Dunheved Link Road

177 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robert Ardill that the information contained in the report on Dunheved Business Park - Update on Revitalisation Investigations and Initiatives and North Dunheved Link Road be received.

24 2010 Graffiti Forum - Brisbane Queensland

178 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on 2010 Graffiti Forum - Brisbane Queensland be received.
2. Council agree to the attendance of Councillor Aitken OAM at the 2010 Graffiti Forum in Brisbane Queensland from 7 June to 9 June 2010.

QUESTIONS WITHOUT NOTICE

QWN 1 Traffic Issues - Sunflower Drive, Claremont Meadows

Councillor Tanya Davies requested that the issues of speeding and poor view at the bend adjacent to 78 Sunflower Drive, Claremont Meadows, heading south, be referred to the Local Traffic Committee for investigation in view of several accidents which have occurred in the vicinity, and the Local Traffic Committee be requested to view the damage to the tree in front of 88 Sunflower Drive, Claremont Meadows.

QWN 2 Access Issue – Phillip Street, St Marys

Councillor Tanya Davies requested a memo reply concerning access issues on the corner of Phillip and Lethbridge Streets, St Marys, as a resident parks over the footpath area and mobility scooters cannot gain access to the footpath and have to travel on the road in this vicinity.

QWN 3 Telstra Service Pits - Brisbane Street, St Marys

Councillor Tanya Davies requested a memo reply concerning the damaged Telstra service pits between 125 & 141 Brisbane Street, St Marys.

QWN 4 Durham Street, Oxley Park

Councillor Tanya Davies requested that the Local Traffic Committee further investigate the condition of the Durham Street bridge as there is a significant gap in the expansion joint.

QWN 5 Provision of Guardrail in Melbourne Street, Oxley Park

Councillor Tanya Davies requested that the Local Traffic Committee investigate the possibility of installing a guardrail or other barrier in front of houses in the vicinity of 39 Melbourne Street, Oxley Park as there have been several vehicle accidents in the locality.

QWN 6 M4 Off Ramp - Russell Street, Emu Plains

Councillor John Thain requested a memo reply to all Councillors outlining what representations have been made to the RTA regarding measures to alleviate evening traffic congestion at the M4 off ramp at Russell Street, Emu Plains.

QWN 7 Bus Shelter - Cooper Street, Penrith

Councillor John Thain requested a memo reply concerning the provision of a bus shelter in Cooper Street, Penrith.

QWN 8 James Erskine Public School, Erskine Park

Councillor Greg Davies requested that an amount of \$3,600 be allocated from East Ward voted works to extend the existing pathway and kerb and guttering at James Erskine Public School in the drop off zone.

179 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

180 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that an amount of \$3,600 be allocated from East Ward voted works to extend the existing pathway and kerb and guttering at James Erskine Public School in the drop off zone.

QWN 9 Peppertree Oval, Erskine Park

Councillor Greg Davies requested a report to Council on the substantial works required to repair Peppertree Oval at Erskine Park.

Councillor Greg Davies left the meeting, the time being 9:18 pm.

**QWN 10 Cambridge Park Junior Rugby League Football Club –
Construction of Dug-out at Allsopp and Patterson Ovals, Cambridge Park**

Councillor Kath Presdee requested that an amount of \$1,200 be allocated from North Ward voted works to construct a dug-out at the home ground of the Cambridge Park Junior Rugby League Football Club at Allsopp and Patterson Ovals, Cambridge Park.

181 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

182 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain that an amount of \$1,200 be allocated from North Ward voted works to construct a dug-out at the home ground of the Cambridge Park Junior Rugby League Football Club at Allsopp and Patterson Ovals, Cambridge Park.

**QWN 11 Outstanding Money resulting from Construction of Dug-out for
Cambridge Park Junior Rugby League Football Club**

Councillor Kath Presdee requested a report to Council to deal with any outstanding money resulting from the construction of a dug-out for Cambridge Park Junior Rugby League Football Club.

QWN 12 Request for Leave of Absence

Councillor Karen McKeown requested Leave of Absence from 3 June 2010 to 8 June 2010 inclusive.

183 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

184 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that Leave of Absence be granted to Councillor Karen McKeown from 3 June 2010 to 8 June 2010 inclusive.

Councillor Greg Davies returned to the meeting, the time being 9:20 pm.

QWN 13 Delfin Lend Lease land known as the Pan Handle

Councillor Kevin Crameri OAM requested a report to Council on the opportunities for conservation of the Delfin Lend Lease land known as the Pan Handle land around Xavier College and the nature corridor in Llandilo.

QWN 14 Berkshire Park Oval

Councillor Kevin Crameri OAM requested a report to Council outlining ways of preventing cars from driving on Berkshire Park Oval, causing substantial damage to the Oval.

COMMITTEE OF THE WHOLE

185 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:22 pm.

Councillor Tanya Davies left the meeting, the time being 9:22 pm.

Councillor Ben Goldfinch left the meeting, the time being 9:22 pm, and did not return.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jackie Greenow seconded Councillor Robert Ardill that the press and public be excluded from Committee of the Whole to deal with the following matters:

A Leading City

2 Commercial Matter - Council Property - Permanent Laneway Closure of Driver Lane, Wallacia and Sale of Land to Adjoining Owner

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Commercial Matter - 2009-10 Borrowing Program

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

A Green City

4 Legal Matter - Development Application DA09/0737 for a 56 Place Child Care Centre at Lots 12-13 & 43-45 DP 2721, (No. 341a) Littlefields Road, Mulgoa. Applicant: Cityscape Planning and Projects; Owner: Jamison Investments DA09/0737

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 9:30 pm and the General Manager reported that the Committee of the Whole met at 9:22 pm on 24 May 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 Commercial Matter - Council Property - Permanent Laneway Closure of Driver Lane, Wallacia and Sale of Land to Adjoining Owner

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Permanent Laneway Closure of Driver Lane, Wallacia and Sale of Land to Adjoining Owner be received.
2. Council approve the sale price for this land to Mr and Mrs Light as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation as required.

Councillor Tanya Davies returned to the meeting, the time being 9:24 pm.

3 Commercial Matter - 2009-10 Borrowing Program

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

CW3 That:

1. The information contained in the report on Commercial Matter - 2009-10 Borrowing Program be received.
2. Council endorse the amended 2009-10 Borrowing Program as detailed in this report on 10 or 15 year repayment schedules.
3. Council's General Manager be authorised to negotiate appropriate loan terms in accordance with this report and resolution.
4. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

4 Legal Matter - Development Application DA09/0737 for a 56 Place Child Care Centre at Lots 12-13 & 43-45 DP 2721, (No. 341a) Littlefields Road, Mulgoa. Applicant: Cityscape Planning and Projects; Owner: Jamison Investments

DA09/0737

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW4 That the information contained in the report on Legal Matter - Development Application DA09/0737 for a 56 Place Child Care Centre at Lots 12-13 & 43-45 DP 2721, (No. 341a) Littlefields Road, Mulgoa be received.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For	Against
Councillor Kaylene Allison	
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor Greg Davies	
Councillor John Thain	
Councillor Jackie Greenow	
Councillor Jim Aitken OAM	
Councillor Ross Fowler OAM	
Councillor Robert Ardill	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Marko Malkoc	
Councillor Kevin Cramer OAM	

ADOPTION OF COMMITTEE OF THE WHOLE

186 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

- 15 Development Application DA09/0737 for a 56 Place Child Care Centre at Lots 12-13 & 43-45 DP 2721, (No. 341a) Littlefields Road, Mulgoa. Applicant: Cityscape Planning and Projects; Owner: Jamison Investments**

187 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application DA09/0737 for a 56 Place Child Care Centre at Lots 12-13 & 43-45 DP 2721, (No. 341a) Littlefields Road, Mulgoa be received.
2. DA09/0737 for a 56 place child care centre be refused for the following reasons:
 - 2.1 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal does not meet the following matters prescribed by Sydney Regional Environmental Plan No.13 – Mulgoa Valley:
 1. Clause 3(2)(c)& (e)& (f) & (g)- Aims, objectives etc
 2. Clause 8 (3)- Zone Objectives, particularly objectives (a), (b),(c) & (e)
 3. Clause 12- Development consent criteria (c), (g), (k), (m), (o), (p), (q)& (r)
 - 2.2 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal does not meet the following matters prescribed by Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River:
 1. Clause 6(4)(b)- ensuring stormwater runoff does not significantly change.
 - 2.3 The application is not satisfactory for the purpose of Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal is identified as a prohibited use in the E3 Environmental Management zone under the provisions of Draft Penrith Local Environmental Plan 2008.
 - 2.4 The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as the proposed site is not suitable for the development.
 - 2.5 The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest as it would set an undesirable precedent and undermine the current and future planning outcomes in the locality.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

There being no further business the Chairperson declared the meeting closed the time being 9:37 pm.

I certify that these 30 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 May 2010.

Chairperson

Date